

APPROVED 12-1-08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, November 10, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:00 PM.

MEMBERS PRESENT:

Dominic M. Palumbo, Chairman
James J. Giulietti, Vice Chairman
Douglas E. Roberts, Secretary
Vern E. Carlson
Brian Cummings
William D. O'Hare, Alternate, left at 9:19 PM
John H. Vanacore, Alternate, left at 9:19 PM

MEMBERS ABSENT:

Antoinetta A. Carmody, Alternate

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Jonathan Bodwell, Town Engineer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Palumbo, Chairman, called the meeting to order at 7:00 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Palumbo explained the procedures for the public hearing and asked Mr. Fredricksen, Land Use Administrator, if there were any changes to the agenda. Mr. Alan Fredricksen, stated that applications #P08-64S, 65 Quinnipiac Avenue and #P08-65, 280 State Street, are postponed to the December 1, 2008 meeting.

PUBLIC HEARING:

Mr. Roberts read the call for the first public hearing.

The Commission elected to hear applications #P08-61S and #P08-61 together.

1. #P08-61S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of LTD Realty Associates, LLC, Owner and Applicant, relative to 319 Washington Avenue, (Map 85, Lot 4). Plan Entitled: Application of Louis Yaccarino, Jr., For Certificate of Approval For A Limited Repairer's License, Dated 2/8/08, rev. 7/31/08. Scale 1" = 20'. IL-30 Zoning District.

5. #P08-61 Site Plan Application of LTD Realty Associates, LLC, Owner and Applicant, relative to 319 Washington Avenue, (Map 85, Lot 4). Plan Entitled: Application of Louis Yaccarino, Jr., For Certificate of Approval For A Limited Repairer's License, Dated 2/8/08, rev. 7/31/08. Scale 1" = 20'. IL-30 Zoning District.

Attorney Joan Malloy presented the application to permit the granting of a motor vehicle repairer's license for the rear building located at 319 Washington Avenue. Previous ZBA applications, for a Certificate of Location for motor vehicle repair for the front and rear buildings were denied. The applicant is also proposing to modify application #P05-89 by widening the northernmost rear driveway, relocating the dumpster, adding trench drains, modifying the rear parking and landscaping layout. Mr. Robert Criscuolo, P.E. described the proposed site plan. Attorney John Parese confirmed that the easement, near the neighboring property, is shared.

Mr. Barry Steinberg, P.E., 319 Washington Avenue, explained the traffic flow on this site. Mr. Roberts read into the record letters dated July 21, 2006 and May 9, 2005, from the Zoning Board of Appeals, denying previous applications requesting General Repair of Motor Vehicles. Attorney Joan Malloy responded to the Commission regarding these previous denials.

Mr. Giulietti is concerned about the traffic flow on this narrow lot. Mr. Bob Criscuolo, P.E. discussed the parking calculations for this site. Attorney Malloy stated that there will be no towing or storing of cars, just repairs. Mr. Roberts feels this business is not a good mix with the current businesses located on this site. Mr. Vanacore has safety concerns with entering and exiting this site. He is also concerned about tow trucks driving on this site.

Mr. Palumbo asked for public comment.

Public comment:

- 1) Barry Steinberg, 319 Washington Avenue, spoke in favor of the application.
- 2) Michael Mele, 109 Maple Avenue, asked if this application would make this site worse.

There being no further public comment, the public hearing was closed.

2. #P08-64S Special Permit Application/Certification of Location (as authorized by Sections 8.11.1) of Mike's Automotive Service, LLC, Applicant, and John Coassin, Owner, relative to 65 Quinnipiac Avenue, (Map 6, Lot 20). Plan Entitled: Plan Showing Property at 65 Quinnipiac Avenue, North Haven, Connecticut. Dated May 2001. Scale 1" = 30'. CB-20 Zoning District.

This application was postponed to the December 1, 2008 meeting.

Mr. Roberts read the call for the next agenda item.

The Commission elected to hear applications #P08-66S, #P08-66 & #P08-66A together.

3. #P08-66S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive, (Map 6, Route 1). Plan Entitled: Metal Management Northeast, Inc., Metal Separation Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 10/8/2008. Scale 1" = 30'. IG-80 Zoning District.
8. #P08-66 Site Plan Application of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive, (Map 85, Lot 4). Plan Entitled Metal Management Northeast, Inc., Metal Separation Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 10/8/2008. Scale 1" = 30'. IG-80 Zoning District.
9. #P08-66A CAM Application of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive, (Map 85, Lot 4). Plan Entitled Metal Management Northeast, Inc., Metal Separation Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 10/8/2008. Scale 1" = 30'. IG-80 Zoning District.

Attorney Marjorie Shansky introduced Mr. Barry Hammons, P.E.. He presented the application to permit the construction of a new 6,656 square foot building next to the existing separation building located on the west side of the site that falls within the CAM Boundary. Mr. Hammons then discussed the comments from the Land Use Office and the Town Engineer. Mr. David Barbour, architect, described the new building. Mr. Giulietti asked if the CAM site will be monitored during construction. Mr. Brian Sackett, Plant Manager, said the DEP would get involved and they will comply with DEP standards. Mr. Giulietti would like to see improvements made to the front of the property.

There being no public comment, the public hearing was closed.

SITE PLANS:

4. #P08-57 Site Plan Application of Peter Pachelo, Applicant, Robert DeStefano, Owner, relative to 55 Middletown Avenue, (Map 3, Lot 14). Plan Entitled: Proposed Parking Plan, Dunkin Donuts, 55 Middletown Avenue, North Haven, Connecticut. Prepared by N.A. Velleca Engineering, LLC, Dated July 9, 2008. Scale 1" = 20'. CB-20 Zoning District.

Mr. Neil Velleca, P.E. presented the application to permit the change of use of 1,600 square feet of this 7,000 square foot, two-story building from office use to a Dunkin Donuts. Site access from Quinnipiac Avenue is being eliminated in response to D.O.T. permitting requirements that would involve road widening for a bypass lane. Mr. Velleca then discussed the Town Engineer and Land Use comments.

Mr. Peter Pacheco stated that the tractor trailer delivery will be twice a week between 4:00 & 5:00 A.M.. The Commission asked questions and Mr. Velleca and Mr. Pacheco responded. Mr. Bodwell, Town Engineer, is concerned about the entrance being blocked with traffic exiting to the left. Mr. Giulietti is also concerned about the traffic flow on this site. The applicant submitted a revised plan. Mr. Fredricksen stated that the D.O.T and Town Engineer would need to review this modified plan. Mr. Giulietti asked about the parking requirements. Mr. Velleca stated that 42 parking spaces are required and they are proposing 34 spaces.

6. #P08-65 Site Plan Application of the Wright Stuff, LLC, Owner and Applicant, relative to 280 State Street, (Map 43, Lot 11). Plan Entitled: As-Built Site Plan for Wright Stuff, LLC, #280 State Street, North Haven, Connecticut. Prepared by Orsine Associates, LLC, Dated 07/01/08. Scale 1" = 20'. CB-40 Zoning District.

This application is postponed to the December 1, 2008 meeting.

7. #P08-63 Site Plan Application of 332 Washington Avenue, Assoc., LLC, Owner and Applicant, relative to 332 Washington Avenue, (Map 85, Lot 127). Plan Entitled: Proposed Office Building, 332 Washington Avenue, Route 5, North Haven, Connecticut, Dated October 8, 2008. Scale 1" = 10'. CB-40 Zoning District.

Mr. Mark Papa, Landscape Architect, presented the application to permit the change of use of the existing building located at 332 Washington Avenue, from a single family residence to an office use. Landscaping, sidewalks and 14 parking spaces are being proposed. Mr. Roberts asked about decorative lighting. The Commission asked questions and Mr. Papa and Mr. Longobardi, owner, responded.

BREAK: 8:35 – 8:45 PM

DELIBERATION SESSION:

Mr. Carlson moved to go into deliberations; Mr. Vanacore seconded the motion. All were in favor.

1. #P08-61S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of LTD Realty Associates, LLC, Owner and Applicant, relative to 319 Washington Avenue.

Mr. Carlson moved to deny the application; Mr. Giulietti seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – nay

The Commission stated the following reasons for denial:

- 1) This site is not suitable for a vehicle repair business.
- 2) Configuration of the property makes this site congested and difficult for traffic flow.
- 4) The Commission feels that eventually vehicles will be towed in and stored on this site.
- 5) The exit and entrance pose a safety concern.
- 6) Previous ZBA applications for motor vehicle repair were denied.

5. #P08-61 Site Plan Application of LTD Realty Associates, LLC, Owner and Applicant, relative to 319 Washington Avenue.

Mr. Giulietti moved to table the application; Mr. Carlson seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – aye

3. #P08-66S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – aye

8. #P08-66 Site Plan Application of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mrs. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – aye

This application was approved with conditions.

9. #P08-66A CAM Application of Simms Metal Management, LLC, Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mr. Giulietti seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – aye

SITE PLANS

4. #P08-57 Site Plan Application of Peter Pachelo, Applicant, Robert DeStefano, Owner, relative to 55 Middletown Avenue, (Map 3, Lot 14). Plan Entitled: Proposed Parking Plan, Dunkin Donuts, 55 Middletown Avenue, North Haven, Connecticut. Prepared by N.A. Velleca Engineering, LLC, Dated July 9, 2008. Scale 1" = 20'. CB-20 Zoning District.

Mr. Carlson moved to deny the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts - aye Carlson– aye Cummings – aye

The Commission stated the following reasons for denial:

- 1) Delivery trucks have to enter the site through the exit and exit backwards onto Middletown Avenue and there is no loading dock.
2. This site is not suitable for this type of business.
- 3) The Commission is concerned with congested traffic flow.
- 4) Cars exiting the site will block cars entering the site.

7. #P08-63 Site Plan Application of 332 Washington Avenue, Assoc., LLC, Owner and Applicant, relative to 332 Washington Avenue

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson– aye Cummings – aye

The application was approved with conditions.

INFORMAL PRESENTATION: 190 Montowese Avenue, Pondview Estates

Mr. Richard Vizziello discussed waiving the required sidewalks for this site. The Commission, as a whole, seemed unwilling to waive this requirement.

OTHER: None

EXTENSIONS: #P07-31, 66 Leonardo Drive

Mr. Carlson moved to approve a six (6) month extension; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

BOND RELEASES & REDUCTIONS:

#P99-37, 1907 Hartford Turnpike

Mr. Giulietti moved to release the bond for application #P99-37, 1907 Hartford Turnpike, in the amount of \$25,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

#P93-13, 410 Sackett Point Road

Mr. Giulietti moved to release the bond for application #P93-13 & P93-14, 410 Sackett Point Road, in the amount of \$5,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

#P06-66, 267 Spring Road

Mr. Giulietti moved to release the bond for application #P06-66, 267 Spring Road, in the amount of \$10,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

#B2002-12, 41 Stiles Lane

Mr. Giulietti moved to release the bond for application #B2002-12, 41 Stiles Lane, in the amount of \$60,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

#P2000-16, 41 Stiles Lane

Mr. Giulietti moved to release the bond for application #P2000-16, 41 Stiles Lane, in the amount of \$5,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

CHANGE OF USE:

310 Washington Avenue

Mr. John Vigliotti, owner, stated that Libby's Bakery, from Worcester Street in New Haven, would like to occupy this space. There will be no preparation of food on this site.

Mr. Giulietti moved to approve the Change of Use for 310 Washington Avenue from retail to a coffee shop; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts - aye Carlson – aye Cummings – aye

CORRESPONDENCE: - State of Conn., Office of Policy and Management letter dated September 26, 2008
- Environmental Management Bulletin, October 6, 2008 Issue
- College of Agriculture and Natural Resources Journal, Fall 2008

MINUTES:

October 6, 2008

Mr. Carlson moved to approve the minutes of October 6, 2008; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Carlson – aye Cummings – aye

ADJOURN:

There being no further business, Mr. Roberts moved to adjourn; Mr. Cummings seconded the motion. The meeting was adjourned at 9:31 PM.